

REMARKS

The present Amendment is responsive to the Final Office Action mailed November 24, 2003 in the above-identified patent application. Enclosed herewith is a Petition requesting a three-month extension of time for resetting the deadline for responding to the Final Office Action from February 24, 2004, to and including May 24, 2004.

As an initial matter, Applicants acknowledge and appreciate the Examiner's willingness to conduct a telephone interview in the present application on October 14, 2003.

Applicants previously submitted formal drawings in an Amendment filed September 12, 2003. Applicants appreciate the Examiner's acknowledgement that the formal drawings are accepted.

Applicants enclose herewith an advertisement showing a "knock-off" mug sold by a competitor of the Applicants. The advertisement supports Applicants' contention that its claimed drinking mug is non-obvious.

Applicants have amended independent claims 1, 19 and 27 and dependent claim 21. Applicants have also added new claims 32-37 which depend either directly or indirectly from independent claim 27. The amended claims and the new claims are fully supported by the originally filed specification and add no new matter. Paragraph two of the originally filed specification supports Applicants' discussion related to a cup holder that receives the drinking mug.

In the Office Action, the Examiner rejected claims 1-6, 8-11, 16-25 and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,140,614 to Padamsee in view of U.S. Patent 5,678,925 to Garmaise et al., French patent document 2737380 to David and U.S. Patent 5,842,353 to Lin.

As noted above, independent claim 1 has been amended. As amended, claim 1 is unobvious over the references cited by the Examiner because the references neither disclose nor suggest an

electronic drinking mug having an upper end and a lower end, and "a user interface integrally attached to the outer surface of said mug and being in communication with said controller for establishing the desired temperature of said liquid, wherein said user interface is located closer to the upper end of said mug than the lower end of said mug." As discussed with the Examiner during an earlier telephone interview, the user interface is located near the upper end of the mug so that it is visible and accessible when the lower end of the mug is placed in a cup holder of an automobile. The new limitation found in amended claim 1 is neither disclosed nor suggested by the prior art cited by the Examiner. Padamsee does not have a user interface. Garmaise, David and Lin have elements for activating heating, however, the elements are located at the lower ends of the containers. None of the latter three references teach or suggest providing the activation switch adjacent the upper end of the container or between a midpoint and the upper end of a container. Applicants also respectfully disagree with the Examiner's inclusion of David as a cited reference, as David teaches a kettle (FIG. 5) having an opening for pouring liquid from a sidewall. The David kettle is not suitable for drinking, as required by claim 1, which sets forth a "drinking mug." For all of these reasons, claim 1 is unobvious over the references cited by the Examiner and is otherwise allowable.

Claim 4 is unobvious because the cited references neither disclose nor suggest a visual display including "a LED panel having a series of light emitting diodes, each said light emitting diode being associated with liquid temperature levels selected from the group consisting of room temperature, lukewarm, hot, and very hot." Applicants note that the "knock-off" mug shown in the attached advertisement has the exact same markings on a LED panel.

Dependent claim 6 is unobvious over the references cited by the Examiner because the cited references neither disclose nor suggest an electronic drinking mug including "a sound generating

element in signal receiving relation with said controller for selectively generating an audible sound."

Dependent claim 8 is unobvious over the references cited by the Examiner because the cited references neither disclose nor suggest an electronic drinking mug including a controller having a "logic subroutine that deactivates said heating element when the monitored temperature is greater than or equal to said desired temperature and reactivates said heating element when the monitored temperature falls at least 2°F below the desired temperature."

Dependent claim 11 is unobvious over the references cited by the Examiner because the cited references neither disclose nor suggest an electronic drinking mug whereby "said controller activates a visual or audible indicator when the monitored temperature is greater than the predetermined overheat temperature."

Dependent claim 17 is unobvious over the references cited by the Examiner because the cited references neither disclose nor suggest an electronic drinking mug wherein the "at least one temperature set key is depressible and wherein the selected temperature is elevated one degree each time said at least one set key is depressed and the selected temperature is elevated more rapidly when said at least one set key is depressed and maintained in the depressed position for more than a predetermined time period."

Dependent claims 2, 5, 9, 10, 13, 16 and 18 are unobvious, *inter alia*, by virtue of their dependence either directly or indirectly from one or more of the above mentioned claims.

Independent claim 19 is unobvious because the cited references neither disclose nor suggest a method of maintaining a liquid at a selected temperature including providing a drinking mug having an upper end and a lower end and "integrally attaching a user interface to the outer surface of said mug at a location closer to the upper end of said mug than the lower end of said mug." Claim 19 is also unobvious because the cited

references neither disclose nor suggest the step of "inserting a lower end of said mug into a cup holder so that the upper end of said mug including said user interface is located above the cup holder, wherein said user interface is visible and accessible above the cupholder." As noted above, the references cited by the Examiner teach locating an on/off switch near the bottom of a container. None of the references teach or suggest positioning a "user interface" or an on/off switch near the upper end of the container so that the switch will continue to be visible and accessible when the container is positioned in a cupholder. For all of these reasons, claim 19 is unobvious and is otherwise allowable. Dependent claims 20-25 are also unobvious, *inter alia*, by virtue of their dependence from claim 19, which is unobvious for the reasons set forth above.

Independent claim 27 is unobvious over the references cited by the Examiner because the cited references neither disclose nor suggest an electronic drinking mug including an outer mug "having an upper end, a lower end and a center midway between the upper and lower ends [and] a user interface being integrally attached to said exterior surface of said outer mug . . . wherein said user interface is located between the center and the upper end of said outer mug and is spaced from the lower end of said outer mug whereby when the lower end of said outer mug is placed in a cup holder, said user interface is visible and accessible above the cup holder." Once again, Applicants respectfully assert that none of the references cited by the Examiner teach placing a user interface near an upper end of a mug. The references cited by the Examiner teach placing the on/off switch near the lower end of the mug. Such prior art mugs are thus unusable when positioned inside a cupholder. For all of these reasons, independent claim 27 is unobvious over the references cited by the Examiner and is otherwise allowable. Claims 28 and 29 are unobvious, *inter alia*, by virtue of their dependence from claim 27, which is unanticipated for the reasons set forth above.

Claim 30 is unobvious because the cited references neither disclose nor suggest an electronic drinking mug wherein the

"user interface includes a series of light emitting diodes that are each activated by said controller at distinct temperature levels." Claim 30 is also unobvious by virtue of its dependence from claim 27, which is unobvious for the reasons set forth above.

Claim 31 is unobvious because the cited references neither disclose nor suggest an electronic drinking mug whereby "each one of said light emitting diodes is associated with one of said distinct temperature levels, and wherein only one of said light emitting diodes is illuminated at any one time." Claim 31 is also unobvious by virtue of its dependence from claim 27, which is unobvious for the reasons set forth above.

New claim 32 is unobvious because the cited references neither disclose nor suggest an electronic drinking mug including "a handle secured to the exterior surface of said outer mug, said handle having a first section secured to said mug that extends substantially perpendicular to a longitudinal axis of said mug, said handle having a second section that extends from the first handle section, the second section extending downwardly toward the lower end of said mug, said second handle section having a free end spaced from the exterior surface of said outer mug." Claim 32 is also unobvious by virtue of its dependence from claim 27.

New claims 33-35 are unobvious, *inter alia*, by virtue of their dependence either directly or indirectly from claim 27.

New claim 36 is unobvious over the references cited by the Examiner because the references neither disclose nor suggest an electronic drinking mug whereby "the exterior surface of said outer mug tapers inwardly between the upper end and the lower end of said outer mug." Support for this recitation is found, *inter alia*, in FIG. 1 of the present application. Applicants respectfully assert that Padamsee discloses a mug that does not taper inwardly because it includes a ledge that juts inwardly at a sharp angle approximately half way between upper and lower ends of the mug. Such a ledge is contrary to the meaning of the term taper.

New claim 37 is also unobvious because the references cited by the Examiner neither disclose nor suggest an electronic drinking mug whereby "the exterior surface of said outer mug tapers inwardly along a substantially smooth line between the upper end and the lower end of said outer mug." Once again, Padamsee discloses a ledge that juts inwardly at a sharp angle. Such a ledge does not teach or suggest an exterior surface that "tapers inwardly along a substantially smooth line between the upper end and the lower end of said outer mug." For all of these reasons, claims 36 and 37 are unobvious over the art of record. Claims 36 and 37 are also unobvious, *inter alia*, by virtue of their dependence from claim 27, which is unobvious for the reasons set forth above.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 21, 2004

Respectfully submitted,

By 

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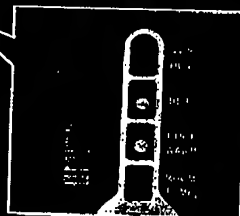
Companion Mug

with Thermal Control

°F & °C Convertible

and to selected temperature
to 160°F (29°C to 71°C)
ends when ideal preset
ure is reached
ghted LCD panel monitoring
emperature status
near blinking light and beep
alert
6 oz. (450ml) coffee, tea,
late or milk
auto adaptor included
berize handle

160.8°F



• Displays the liquid temperature on the progressive LED indicators

JML3830



ing into your cigarette lighter
exclusive 12V adaptor, fit
most vehicle cup holder.



• Enjoy the hot beverage all the way on road trip



Select between °F or °C by the programmed controller

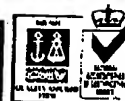
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